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AD HOC GROUP ON ARTICLE 13
Fifth session
Bonn, 28-30 July 1997

REPORT OF THE AD HOC GROUP ON ARTICLE 13 ON THE WORK OF ITS FIFTH SESSION, BONN, 28-30 JULY 1997

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I. OPENING OF THE SESSION
(Agenda item 1)

1. The fifth session of the Ad Hoc Group on Article 13 (hereinafter referred to as "the AG13") was held at the Hotel Maritim, Bonn, from 28 to 30 July 1997.

2. The Chairman of the AG13, Mr. Patrick Széll, opened the session on 28 July 1997. In welcoming the participants, he recalled that during its fourth session the AG13 had agreed on the scope and elements of the procedure of any proposed mechanism, and discussed points of agreement and divergence. He noted that these elements constituted possible functions and procedures of any multilateral consultative process and could serve as a basis for discussion at the fifth session of the AG13. The Chairman noted the need for further substantive deliberations to enable the Group to make its report to the third session of the Conference of the Parties (COP 3).

II. ORGANIZATIONAL MATTERS
(Agenda item 2)

A. Adoption of the agenda
(Agenda item 2 (a))

3. The AG13, at its 1st meeting, on 28 July, adopted the following agenda:

1. Opening of the session.

2. Organizational matters:

   (a) Adoption of the agenda;

   (b) Organization of the work of the session;

   (c) Organization of the work of future sessions.

3. Functions and procedures of any multilateral consultative process.

4. Report on the session.

B. Organization of the work of the session
(Agenda item 2 (b))

4. At the 1st meeting, on 28 July, the Chairman recalled that conference services would be available for four meetings of the Group with interpretation from 10 a.m. to 1 p.m. and

from 3 p.m. to 6 p.m. The AG13 agreed to proceed on the basis of the proposed schedule of work contained in annex II of document FCCC/AG13/1997/3.

5. The AG13 agreed to the admission of ten non-governmental organizations and two intergovernmental organizations that had been screened by the secretariat, on the basis of the provisions of Article 7.6 of the Convention, without prejudice to subsequent action by the COP.

C. Organization of the work of future sessions
(Agenda item 2 (c))

6. At the 1st meeting, on 28 July, the Chairman noted that, at its third session in December, the COP would hold deliberations on the future work of the AG13. He recalled that the COP had decided that the work of the Ad Hoc Group should continue beyond the second session of the COP and had requested the Group to report on the progress of its work at the third session of the COP, if its work was not completed by that time (FCCC/CP/1996/15/Add.1, decision 4/CP.2). Since the work had not been completed, he noted that a report would accordingly be made to COP 3. The Chairman invited the Group to consider how it wished to proceed in the period after December 1997. Having considered the recommendations of the Chairman, the AG13 agreed that the Group should aim to complete its work by the Conference of the Parties at its fourth session. The Ad Hoc Group was likely to need to meet for at least two sessions before the fourth session of the COP, with each session consisting of about six to eight meetings to be held concurrently with meetings of the other subsidiary bodies, in order to complete its work and provide the COP with a report on its findings. The AG13 also requested that, as far as possible, scheduling conflicts with sessions of the Subsidiary Body for Implementation (SBI) should be avoided.

D. Attendance

7. The lists of attendance at the fifth session of the AG13 are contained in document FCCC/1997/INF.3.

E. Documentation

8. The documents before the AG13 at its fifth session are listed in annex I below.

III. FUNCTIONS AND PROCEDURES OF ANY MULTILATERAL CONSULTATIVE PROCESS
(Agenda item 3)

1. Proceedings

9. At its 1st, 2nd, 3rd and 4th meetings on 28, 29 and 30 July, respectively, the AG13 considered paragraphs 1, 2, 3, 5 and 6 of annex II of its working document. Statements were made by representatives of 21 Parties, including one speaking on behalf of the European Union and its member States.

10. The secretariat presented document FCCC/AG13/1997/MISC.2 containing submissions from two Parties.

11. The Executive Secretary addressed the fourth meeting.

2. Conclusions

12. At its 4th meeting on 30 July, having considered a proposal from the Chairman, the AG13 :

(a) Emphasized that the work of the Ad Hoc Group, on the establishment of any multilateral consultative process and its design, must be within the framework set out by Article 13 of the Convention;

(b) Noted that the framework compilation in annex II of this document, of the functions and procedures of any multilateral consultative process, reflects points raised, as well as areas of convergence and divergence, and would form the principal basis for discussion by the Group at its next session;

(c) Recognized that, at its next session, the Group would consider whether any adjustment to the framework compilation in annex II would need to be made, in light of any outcome by the COP, at its third session, of the negotiations on the development of a protocol or another legal instrument;

(d) Decided to recommend the draft decision contained in annex III to this decision for adoption by the COP at its third session.

IV. REPORT ON THE SESSION
(Agenda item 4)

13. At its 4th meeting, on 30 July, Mr. Andrej Kranjc, the Rapporteur, presented the draft report of the session (FCCC/AG13/1997/CRP.2). The AG13 considered and adopted the document and also requested the Rapporteur, under the guidance of the Chairman and with the assistance of the secretariat, to complete the report, taking into account the discussions of the Group and the need for editorial adjustments.

14. The Chairman expressed his appreciation to the participants for their constructive co-operation and declared the fifth session of the AG13 closed.

Annex I

DOCUMENTS BEFORE THE AD HOC GROUP ON ARTICLE 13 AT ITS FIFTH SESSION

Documents prepared for the session

FCCC/AG13/1997/3	Provisional agenda and annotations
FCCC/AG13/1997/MISC.2 and Add.1	Scope and elements of the procedure of any proposed mechanism: Submissions from Parties

Other documents for the session

FCCC/AG13/1997/2	Report of the Ad Hoc Group on Article 13 on the work of its fourth session, Bonn, 25-28 February 1997
FCCC/AG13/1997/MISC.1	Scope and elements of the procedure of any proposed mechanism : Submissions from Parties
FCCC/AG13/1996/1	Questionnaire on the establishment of a multilateral consultative process under Article 13: Synthesis of responses
FCCC/AG13/1996/MISC.1 and Add.1	Responses to questionnaire relating to the establishment of a multilateral consultative process: Submissions by Parties and non-parties
FCCC/AG13/1996/MISC.2 and Add.1	Responses to questionnaire relating to the establishment of a multilateral consultative process: Submissions by intergovernmental and non-governmental bodies
FCCC/AG13/1995/2	Report of the Ad Hoc Group on Article 13 on the work of its first session, Geneva, 30-31 October 1995.
FCCC/CP/1995/7 and Add.1	Report of the Conference of the Parties on its first session, held at Berlin from 28 March to 7 April 1995
FCCC/CP/1996/15 and Add.1	Report of the Conference of the Parties on its second session, held at Geneva from 8 to 19 July 1996

Documents available at the session for reference purposes

A/AC.237/59	Consideration of the establishment of a multilateral consultative process for the resolution of questions regarding implementation (Article 13)
A/AC.237/MISC.46	Consideration of the establishment of a multilateral consultative process for the resolution of questions regarding implementation (Article 13): Submissions from delegations relating to Article 13
FCCC/CP/1995/MISC.2	Consideration of the establishment of a multilateral consultative process for the resolution of questions regarding implementation (Article 13): A review of selected non-compliance, dispute resolution and implementation review procedures

Annex II

MULTILATERAL CONSULTATIVE PROCESS

[Establishment

1. Pursuant to Article 13 of the United Nations Framework Convention on Climate Change, the Conference of the Parties hereby establishes a Multilateral Consultative Process ("the process") in the form of a set of procedures to be served by [a standing] [an ad hoc] Multilateral Consultative Committee ("the Committee") [of the Subsidiary Body on Implementation].

Objective

2. The objective of the process is to provide Parties [on [their] request] with advice on questions regarding [the] [their] implementation of the Convention, with a view to:

(a) [Facilitating implementation of the Convention by individual Parties] [Providing assistance to Parties in their implementation of the Convention];

[(b) Promoting understanding of the Convention];

[(c) Preventing disputes from arising];

[(d) Finding solutions for difficulties encountered by Parties in the implementation of the Convention]; and

[(e) Providing assistance to Parties to promote the process of implementation of the Convention].

Alternative to (a) (d) and (e):

[Providing [consultative] assistance to the Parties in need, in order to facilitate implementation of the Convention and finding solutions to possible problems in this regard];

Nature

3. The process shall be conducted in a facilitative, co-operative, non-confrontational, transparent, timely manner, and be non-judicial. Parties concerned shall be entitled to participate fully in the process.

4. The process shall be separate from, and without prejudice to, the provisions of Article 14 (Settlement of Disputes).

Mandate of the Committee

5. To this end the Committee shall[, in accordance with paragraph 12,] consider questions regarding the implementation of the Convention [upon Parties' request and in consultation with them], including :

[(a) Providing [consultative] [technical] [financial] assistance to Parties in relation to difficulties they encounter in the course of implementation, including :

(i) Clarification and resolution of questions; and

(ii) [Assistance to the Parties, in compiling and communicating information, particularly to the developing country Parties, in procuring technical and financial support in this process, as well as in identifying the technical and financial needs associated with proposed projects and response measures under Article 4] [advice and recommendations on technical and financial aspects related to the solution of these difficulties];

(iii) [Recognition of the need to maintain the independence of the process under the financial mechanism to take particular funding decisions];]

[(b) Any tasks entrusted to it by the Conference of the Parties [or by the Subsidiary Bodies for Implementation].]

6. The Committee shall not in any way duplicate activities performed by other Convention bodies.

Size

7. The Committee shall [be open ended] [consist of [5] [10] [15] [25] members].

Expertise

8. The Committee shall comprise [government representatives] [persons nominated by governments, acting in their individual capacity] who are experts [in social, economic, legal, technical, scientific and technological, and/or environmental fields] [with relevant knowledge] in the field of the Convention.

Constitution

9. The members of the Committee shall be elected by the Conference of the Parties for [one] [two] [three] years based on equitable geographical distribution [and the principle of rotation] [other arrangement....]. The Chairmen of the subsidiary bodies [shall be ex-officio members of the Committee] [may participate in meetings of the Committee as observers]. [The Committee may draw upon a roster of experts [set up by it].] [It may [draw upon the

expertise of other bodies established under the Convention] [and] [or] [establish ad hoc panels].]

Deliberations

10. The Committee shall meet [at least once a year] [as and when necessary]. Meetings of the Committee shall, whenever practicable, take place in conjunction with sessions of the Conference of the Parties or its subsidiary bodies.

Governance

11. The Committee shall report [[regularly] to the Conference of the Parties] [to each ordinary session of the Conference of the Parties] [[to] [through] the Subsidiary Body for Implementation] on all aspects of its work, with a view to the Conference of the Parties taking whatever decisions it considers necessary.

How issues would be taken up

12. The Committee shall [receive,] consider [in consultation with the Party or Parties concerned] and report on any submission made to it by [a Party on its own request,] [a Party with respect to its own questions regarding implementation] [one or more Parties,] [references made to it by the Conference of the Parties, the Subsidiary Body for Implementation or the Subsidiary Body for Scientific and Technological Advice], [and information provided by the secretariat regarding implementation of obligations by any Party]. [Such [submissions,] [references] [and information] shall be supported by specific corroborating information.]

Outcome

13. The conclusions and any recommendations of the Committee shall be sent to the Party or Parties concerned for its, or their, consideration. Such conclusions and recommendations shall include, as appropriate, elements relating to:

(a) Appropriate [assistance], [support] and [encouragement]; and

(b) Co-operation between the Party or Parties concerned and others to further the objectives of the Convention.

[The conclusions and recommendations shall be subject to the consent of the Party or Parties concerned.] The Committee shall, in addition, make its conclusions and recommendations available [to the Conference of the Parties] [[to] [through] the Subsidiary Body for Implementation] in due time before its [their] sessions.

Evolution

14. The functions and [terms of reference] [mandate] of the Committee may be further [elaborated] [amended] by the Conference of the Parties to take account of [any amendment to the Convention], [any decision of the Conference of the Parties] or [experience gained with the working of the process].]

Annex III

FUTURE WORK OF THE AD HOC GROUP ON ARTICLE 13

At its fifth session, the Ad Hoc Group on Article 13 decided to recommend the following draft decision for adoption by the Conference of the Parties at its third session:

The Conference of the Parties,

Recalling Article 13 of the United Nations Framework Convention on Climate Change, and decisions 20/CP.1 and 4/CP.2,

Having considered the report of the Ad Hoc Group on Article 13 on the work of its fifth session (FCCC/AG13/1997/4), in which the Group agreed on a set of functions and procedures that could serve as a basis for further discussion in its consideration of a multilateral consultative process and its design,

Takes note that the Ad Hoc Group on Article 13 could not complete its work before the third session of the Conference of the Parties,

1. *Decides*, in accordance with its decision 4/CP.2, that the work of the Ad Hoc Group on Article 13 should continue beyond the third session of the Conference of the Parties;

2. *Invites* the Group to complete its work before the fourth session of the Conference of the Parties and, in accordance with decision 20/CP.1, provide the Conference of the Parties with a report on its findings;

3. *Requests* the Group to report to the Conference of the Parties at its fourth session on the progress of its work, if its work has not been completed by that time.

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